

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

CASE NO. 8:04CR328

Plaintiff,

V.

MEMORANDUM AND ORDER

JOHN ARMENDARIZ, JR.,

Defendant.

This matter is before the court on Filing No. 157, which the court construes as a request for clarification. Defendant is concerned with Filing No. 152, the Memorandum and Order asking the government to respond to defendant's claims in his Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside or Correct Sentence by a person in Federal Custody (§ 2255). To alleviate any confusion the court will amend Filing No. 152 as follows, the government shall answer or otherwise respond to: (1) all defendant's claims of Ineffective Assistance of Counsel; and (2) all defendant's claims regarding the Speedy Trial Act.

IT IS ORDERED:

1. That the defendant's Motion for Clarification (Filing No. 157) is granted in so far as it is consistent with the above Memorandum and Order;
2. On or before November 15, 2006, the United States shall file an Answer or otherwise respond to: (1) all defendant's claims of Ineffective Assistance of Counsel; and (2) all claims regarding right to a speedy trial;
3. On or before December 15, 2006, the defendant may file a responsive brief addressing only the government's response to: (1) all defendant's claims of Ineffective Assistance of Counsel; and (2) all claims regarding right to a speedy trial;
4. The Clerk is directed to mail a copy of this Memorandum and Order to the defendant at his last known address.

DATED this 16th day of October, 2006.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge